

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Donald Needham,

Plaintiff,

v.

Case No. 1:19cv294

Butler County Jail, *et al.*,

Judge Michael R. Barrett

Defendants.

ORDER

This matter is before the Court on the Report and Recommendation (“R&R”) filed by the Magistrate Judge on May 9, 2019 (Doc. 4).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge’s R&R (Doc. 4) have been filed.

Accordingly, it is **ORDERED** that the R&R (Doc. 4) of the Magistrate Judge is hereby **ADOPTED**. Plaintiff’s Eighth Amendment claim for the excessive use of force, as construed against Butler County Jail Correctional Officer Blanton, survives the Court’s *sua sponte* review under 28 U.S.C. § 1915. However, all other claims and all other Defendants, including but not limited to the Butler County Jail, are **DISMISSED** for failure to state any claim upon which relief may be granted under 42 U.S.C. § 1983.

IT IS SO ORDERED.

s/ Michael R. Barrett
Michael R. Barrett, Judge
United States District Court